

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LAWRENCE LANDRUM,

Petitioner,

-v-

CARL S. ANDERSON, Warden,

Respondent.

Case No. 1:96-cv-641

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

**ENTRY AND ORDER OVERRULING THE WARDEN'S OBJECTIONS TO THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #269):
OVERRULING THE WARDEN'S OBJECTIONS TO THE MAGISTRATE JUDGE'S
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (Doc. #274); ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #268) AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (Doc. #273) IN THEIR
ENTIRETY; AND DENYING THE WARDEN'S MOTION TO CERTIFY (Doc. #255)**

On March 30, 2013, Magistrate Judge Merz issued a Report and Recommendations (doc. #268) recommending that the Warden's Motion To Certify (doc. #255) be denied. The Warden objected (doc. #269) and Petitioner Lawrence Landrum ("Landrum") responded to the Warden's Objections (doc. #271). This Court then recommitted this matter to Magistrate Judge Merz (doc. #272).

Magistrate Judge Merz next issued a Supplemental Report and Recommendations (doc. #273) with the same finding to which the Warden again objected (doc. #274). The time has run and Landrum has not responded to this Objection. The Warden's Objections to both the Report and Recommendations and the Supplemental Report and Recommendations are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the

District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that the Warden's Objections to the Magistrate Judge's Report and Recommendations (doc. #269) and the Warden's Objections to the Magistrate Judge's Supplemental Report and Recommendations (doc. #274) are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations and Supplemental Report and Recommendations are adopted in their entirety. The Warden's Motion To Certify (doc. #255) is DENIED.

DONE and **ORDERED** in Dayton, Ohio this Twenty-Third Day of July, 2013.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record